

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 07-165
Table of Allotments,)	RM-11371
FM Broadcast Stations.)	
(Blanca, Colorado))	
)	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 13, 2008

Released: February 15, 2008

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued at the request of Kevin J. Youngers (“Petitioner”), proposing to allot Channel 249C2 at Blanca, Colorado as a first local service.² This new allotment requires the substitution of Channel 269A for Channel 249A at Westcliffe, Colorado. United States CP, LLC, the permittee of Channel 249A at Westcliffe, has consented to this channel change and has concurrently filed a one-step application to substitute its channel at Westcliffe and modify its construction permit accordingly.³ Pursuant to the Commission’s new procedures, Petitioner has also concurrently filed a FCC Form 301 new station application⁴ for Channel 249C2 at Blanca, and the requisite filing fee.⁵ Petitioner has stated that if the requested FM channel is allotted, it will participate in the auction for the channel.

2. We will allot Channel 249C2 at Blanca because it would provide a first local service to the community under Priority 3 of the FM allotment priorities.⁶ Blanca is a community for allotment purposes. It is incorporated and is listed in the U.S. Census with a 2000 population of 391 persons. Blanca has its own post office, zip code, and elected town government, including a mayor and trustees. It has numerous restaurants, stores, businesses, and churches.

¹ *Blanca, Colorado*, Notice of Proposed Rule Making, 22 FCC Rcd 15114 (2007)

² Short spacings between Channel 249C2 at Blanca and Channel 248C1 at Raton, Colorado, and Channel 248C at Crede, Colorado, were resolved by the Commission on June 8, 2007 in a Memorandum Opinion and Order dismissing the Application for Review in MB Docket No. 03-57. *See Fort Collins, Crede, Westcliffe, and Wheat Ridge, Colorado*, Memorandum Opinion and Order, 22 FCC Rcd 10307 (MB 2007).

³ File No. BMPH-20070119AIJ.

⁴ File No. BNPH-20070119AIG.

⁵ *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services* Report and Order, 21 FCC Rcd 14212 (2006).

⁶ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988).

3. Under the policy enumerated in *Circleville, Ohio*,⁷ the ultimate permittee at Blanca is required to reimburse the permittee on Channel 269A at Westcliffe for its reasonable costs associated with changing its channel. Accordingly, Petitioner has pledged to reimburse United States CP, LLC, for its costs should Petitioner prevail at auction and become the permittee on Channel 249C2 at Blanca.

4. A staff engineering analysis indicates that Channel 249C2 can be allotted to Blanca consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 37-26-35 NL and 105-26-29 WL, with a site restriction of 6.6 kilometers (4.1 miles) east of the community.

5. Accordingly, pursuant to the authority contained in 47 U.S.C. §§ 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. §§0.61, 0.204(b) and 0.283, IT IS ORDERED That effective March 31, 2008, the FM Table of Allotments, 47 C.F.R. § 73.202(b) IS AMENDED, with respect to the community listed below, as follows:

<u>Community</u>	<u>Channel</u>
Blanca, Colorado	249C2

6. A window period for filing applications for Channel 249C2 at Blanca, Colorado will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning a proceeding listed above, contact Victoria McCauley, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁷ *Circleville, Ohio*, Memorandum Opinion and Order, 8 FCC 2d (1967).